

## NATURAL PERSON AS A SUBJECT OF CIVIL LAW RIGHTS

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In any democratic formation rights, freedoms and obligations establish an important socio-political institute which acts as an objective determination of social achievements, an indicator of social maturity and refinement.

Coordinated decision of natural person as a subject of law legal status regulation is a determining factor of observance of lawfulness, obviousness and stability of civil relations.

Natural person is one of the most important participants in legal relations. Concept content of “natural person” is defined according to Article 24 of Civil Code of Ukraine. Natural person is a person as a subject of civil relations.

According to prevailing Civil Code of Ukraine the concept “natural person” covers citizens of Ukraine as well as foreigners and apatrides. Citizens of Ukraine as well as foreigners and apatrides have equal rights in civil relations.

Natural person as a subject of civil relations is distinguished by several attributes which identify and impersonify it. These attributes include a name of natural person, citizenship, age, gender, family status, etc.

Civil code of Ukraine establishes rights directing on natural person individualization such as right to name, right to change of name, right to usage of name, right to preserve the identity, rights to respect honor, dignity and business reputation.

Legal capacity plays an important role in civil law. According to Article 25 of Civil Code of Ukraine legal capacity is natural person’s ability to have rights and obligations. The concept “legal capacity” is applied properly and generally. Generally natural person’s legal capacity is his or her ability to have rights and obligations is presented in all the branches of law such as public law, administrative law, employment law, family law etc. while properly it is civil legal capacity that is ability to have rights to the extent of civil law.

Legal capacity is of practical importance to if natural person is not able to acquire rights and incur obligations, he or she cannot be legally bound that is they cannot be eligible person and person entitled. For that matter question of legal capacity emergence instant becomes relevant. Settlement of this question is referred to in Article 25 of Civil Code of Ukraine according to which civil capacity emerges in the point of birth and is discontinued at brain death. For the duration of the institute of fathered but unborn feti protection discussion about their legal capacity has been existed in legal doctrine.

Termination of legal capacity instant is defined in the Article 25 of Civil Code of Ukraine. According to this provision, civil capacity of natural person is discontinued in the article of death. Natural person’s death is a devastative fact of legal capacity.

Natural person's rights include not only that are established by Ukrainian Constitution, Civil Code of Ukraine and other laws. Natural person may have other rights which do not contravene the law and moral principles of the society.

Civic capacity of natural person is defined as factual ability of a person to perform legal acts referring to creation, change and termination of civil rights and obligation. Civic capacity consists of following elements: a person acknowledges his or her acts; administers his or her acts; acts in his or her individual capacity and establishes legal consequences for themselves.

In contradistinction from civil capacity that is considered to be a static occurrence, civic capacity is constantly developing. Depending on natural person's age that describes his or her psychological and mental maturity, Civil Code of Ukraine forms differentiated approach to measures of civic capacity. Civil Code of Ukraine establishes following levels of civic capacity: particulate, incomplete and full civic capacity. In addition, depending on individual cases, natural person may be deprived of civic capacity.

In this manner, there is no uniqueness in natural person's legal nature and measures of civil capacity research. This is precisely why regarding question remains relevant and requires additional theoretical underpinning. Curious inquiry of natural person's legal nature is of prime importance for efficient citizens' rights and freedoms protection and following improvement of effective legislation.

#### References

1. Андрюшкова О. А. Поняття та підстави обмеження цивільної дієздатності фізичної особи за законодавством України та зарубіжних країн / О. А. Андрюшкова // Збірник наукових праць Харківського національного педагогічного університету імені Г. С. Сковороди. "Право". - 2012. - Вип. 19. - С. 195-201. - Режим доступу: [http://nbuv.gov.ua/jpdf/znphnpu\\_pravo\\_2012\\_19\\_34.pdf](http://nbuv.gov.ua/jpdf/znphnpu_pravo_2012_19_34.pdf).
2. Дячкова Н. А. Емансипація неповнолітніх за цивільним законодавством України / Н. А. Дячкова, Є. С. Кугот // Право і безпека. – 2012. - № 3 (45) .
3. Надьон В. В. Деякі аспекти визначення правоздатності в цивільному праві / В. В. Надьон // Теорія і практика правознавства : електрон. наук. фах. вид. – 2014. – № 1. – Режим доступу: [http://nauka.jur-academy.kharkov.ua/download/el\\_zbirnik/1.2014/3.pdf](http://nauka.jur-academy.kharkov.ua/download/el_zbirnik/1.2014/3.pdf)
4. Ромовська З.В. Українське цивільне право: Загальна частина. Академічний курс. Підручник. – К.: Атіка, 2005. – 560с.
5. Цивільне право: Загальна частина / За ред.. професорів І.А.Бірюкова, Ю.О.Заїки. – К.: Алерта, 2014. – 510 с.
6. Тобота Ю.А. Разумность – интеллектуальный момент дееспособности физического лица / Тобота Юрий Анатольевич // Від громадянського суспільства – до правової держави: Тези VII Міжнародної наукової Internet-конференції студентів та молодих вчених. 27.04.2012. – Харків: ХНУ імені В.Н. Каразіна, 2012: <http://dspace.univer.kharkov.ua>